

1 A. The sole purpose was to investigate the totality  
 2 of the circumstances. You don't do part of the  
 3 investigation and leave all the rest of it out,  
 4 Counselor.

5 Q. Well, we know the scope of the investigation if  
 6 we have the document, wouldn't we? That says what the  
 7 scope of the investigation is, wouldn't we?

8 A. I wish we did. I'm sorry.

9 Q. I wish we did, too.

10 A. Let's not go into that. Are you arguing?

11 Q. I'm not arguing with you. I'm trying to find out  
 12 why you needed a document?

13 MR. HENZES: These are questions better  
 14 asked of Dennis Hile than him.

15 MR. PURICELLI: I am when I get him, Hile.

16 MR. HENZES: Why are you asking him?

17 MR. PURICELLI: If he's the adjudicator, I  
 18 want to know.

19 MR. HENZES: He is the --

20 MR. PURICELLI: You should ask him, have you  
 21 ever seen this before. Have you seen this before. It's  
 22 part of the packet, isn't it?

23 MR. HENZES: No, it's not.

24 THE WITNESS: I don't recall having seen  
 25 this. May I attempt to explain the procedure?

55-9 Filed 10/01/10 Page 1 of 6

1 source.

2 MR. PURICELLI: Let's be clear because,  
 3 Randy, you don't know or you don't recall the source.

4 THE WITNESS: I don't recall the source of  
 5 my knowledge.

6 BY MR. PURICELLI:

7 Q. Tell me your knowledge then. We're fine. Your  
 8 okay. You don't know who told you but that's how you  
 9 learned it? Tell me what you learned.

10 A. The process, when we complete an investigative  
 11 report, the attachments are separated from the station  
 12 copy and forwarded to department headquarters. That is  
 13 every report. That is the process.

14 Apparently, that was what occurred in this case.

15 Sergeant Tripp needed to provide those documents to  
 16 Lieutenant Hile to complete the investigation. Then  
 17 Hile writes the letter, puts Sergeant Tripp down as the  
 18 request. It's merely a formality to get all the  
 19 attachments to be seen throughout the course of this,  
 20 attached to the report so Lieutenant Hile can submit it  
 21 to me. We can submit that to IAD.

22 Q. You have a set of procedures on how a certain  
 23 document got from one place and had gotten to another  
 24 place?

25 A. Yes.

222

1 MR. PURICELLI: Absolutely. Randy doesn't  
 2 want you to.

3 MR. HENZES: Go ahead.

4 BY MR. PURICELLI:

5 Q. Let's cut to the chase. Do you know anything  
 6 about this document at all, factually?

7 A. Whether or not I remember or I'm supposing, I  
 8 can't give you the difference. I do not.

9 Q. I don't want you to guess. I don't want you  
 10 assuming anything. Did you have any contact? You  
 11 didn't see the document? You don't know why it is done?

12 A. I do know why it's done.

13 Q. Do you know that because somebody told you?

14 A. I can't tell you why I know that, Counsel. But I  
 15 know why it was done. Knowing why I know why, I can't  
 16 tell you.

17 Q. If you tell me you know it's going to lead me  
 18 down to who told you that?

19 A. I can't answer those.

20 Q. So, you have in your mind a reason why it was  
 21 done but you can't direct me to a source of why you know  
 22 that?

23 A. I'll go with that.

24 Q. Fine.

25 MR. HENZES: It's because you don't know the

224

1 Q. And this is the process?

2 A. Okay.

3 Q. So, you don't know really what's going on other  
 4 than the process of getting certain documents from one  
 5 place or the other and that is met.

6 A. I think I -- yes. I'll go with that.

7 Q. You don't know of any factual reasons why Hile  
 8 specifically wanted the investigation report F05089104?

9 MR. HENZES: To be clear, he's asking for  
 10 the attachment. He is not asking for a report. He has  
 11 the report. He didn't have the attachment. That's what  
 12 he was explaining to you, that this front sheet.

13 MR. PURICELLI: I got that, Randy.

14 MR. HENZES: Oh my God. Go ahead. Go  
 15 ahead.

16 MR. PURICELLI: Thank you.

17 -----

18 (Whereupon Exhibit No. Hill 11, 201 Form,  
 19 was marked for identification.)

20 -----

21 BY MR. PURICELLI:

22 Q. I'm showing you what is marked as Hill 11. It's  
 23 a July 21st, 2007 201 form from Dennis Hile to yourself,  
 24 correct?

25 A. Correct.

1 Q. Have you seen this before?  
 2 A. Yeah.  
 3 Q. Can you tell us what that is?  
 4 A. **It is Lieutenant Hile's summary of the**  
 5 **investigative reports.**

6 Q. Did he provide anything to you about his  
 7 investigation other than this two page document and  
 8 attachment to it?

9 A. **In written format?**

10 Q. In a written format.

11 A. **Not that I'm aware, written.**

12 Q. What did he provide you here other than what is  
 13 indicated?

14 A. **We discussed that numerous times.**

15 Q. What did he mention, if anything, other than  
 16 what's indicated on the report?

17 A. **Couldn't recall.**

18 Q. What did he direct you to as documents that he  
 19 might have known exist other than what is indicated on  
 20 this report?

21 A. **None.**

22 Q. What did you rely on for your adjudication other  
 23 than what is indicated in this report?

24 A. **I think I relied on my discussions and what's**  
 25 **indicated in that report.**

55-9 Filed 10/01/10 Page 2 of 6

1 Q. How did he rely on that fact?

2 A. **You have to ask him, sir.**

3 Q. Okay. Hile was supposed to investigate  
 4 Christopher Bush's complaint against Tripp. We've  
 5 established that, correct?

6 A. **Yes.**

7 Q. Where in that report does he talk about  
 8 interaction between Tripp and Bush?

9 A. **I don't know that it does.**

10 Q. The investigation limited as it be was supposed  
 11 to deal with all Christopher Bush's complaints about  
 12 Tripp. Wasn't it?

13 A. **I don't know how it's written, Counselor.**

14 Q. What is your understanding how it's written?

15 A. **Regulations concerning a limited and full**  
 16 **investigation. I think we went over pretty much to**  
 17 **death?**

18 Q. Are you telling me --

19 A. **If you're talking about the laughter comment?**

20 Q. Yeah.

21 A. **I didn't consider that worthy, of the laughing.**

22 Q. Rude behavior contended?

23 A. **I don't think it's particularly rude. When he**  
 24 **was provided the information that he was and he found**  
 25 **out that Detective Bush was in fact the one that entered**

226

1 Q. And you don't recall your discussions?

2 A. **Not specifically.**

3 Q. Tell me generally what you recall then?

4 A. **I don't know that I can.**

5 Q. So, my question is, you don't recall discussions  
 6 is true?

7 A. **No. We have had discussions about various issues**  
 8 **and I don't recall specifically what they may have been.**  
 9 **I don't want to preclude things that we might have**  
 10 **talked about but I don't specifically recall.**

11 Q. He indicates right here in the beginning, David  
 12 Bush and Sara Bush had been in a custody battle about  
 13 the three children since 2004. Do you see that?

14 A. **Yes, sir.**

15 Q. The petition that we showed you before and the  
 16 Gruber?

17 MR. HENZES: 8.

18 BY MR. PURICELLI:

19 Q. What document do you recall that showed the two  
 20 of them engaged in a custody battle?

21 A. **I don't recall a specific document.**

22 Q. So, how did you know that is a fact?

23 A. **I relied on the information he provided me and**  
 24 **the attachments contained, some of which may have been**  
 25 **very similar to these.**

228

1 **it into NCIC, the brother of the complainant in this**  
 2 **case, I probably would have laughed, too. And I**  
 3 **certainly wouldn't hold my man to a standard higher than**  
 4 **I would hold myself to.**

5 Q. There is a regulation about how a state trooper  
 6 is supposed to interact?

7 A. **True. And I don't think he was rude at all,**  
 8 **under the circumstances.**

9 Q. But someone else?

10 A. **He made a complaint that he thought it was rude**  
 11 **behavior.**

12 Q. Did you ask Christopher Bush why he believed it  
 13 was rude behavior?

14 A. **No. I didn't talk to Chris Bush at all.**

15 Q. And you have no statement from Tripp about that  
 16 phone call?

17 A. **No.**

18 Q. We know looking at everything that was listed,  
 19 theres is no statement?

20 A. **No, sir.**

21 Q. There's no acknowledgement that he was even told  
 22 the complaint, let alone when he was told. Was there?

23 A. **Correct.**

24 Q. Is the complaint against a trooper minimized or  
 25 overlooked if the person complaining is believed to have

1 engaged in misconduct?

2     **A. Once an investigation is conducted and the**  
 3 **totality of the circumstances revealed, the trooper**  
 4 **engaged in misconduct or the claimant engaged in**  
 5 **misconduct, wouldn't be a differentiation. If he was**  
 6 **engaged in misconduct and reported the trooper engaged**  
 7 **in misconduct and you establish that, the trooper would**  
 8 **be disciplined.**

9     **Q. Why does it talk about, all about David Bush in**  
 10 **here, going to Luzerne County and getting custody**  
 11 **orders? What does that have to do with whether or not**  
 12 **Tripp or someone from the barracks should have entered**  
 13 **the children or not? Under your theory, there was no**  
 14 **crime. Why was it necessary to talk all about David**  
 15 **Bush's trips to Luzerne County and down to Virginia?**

16     **A. Part of the totality.**

17     **Q. How did that resolve Christopher Bush's**  
 18 **complaint?**

19     **A. It was relevant and part and parcel to the**  
 20 **entirety of the circumstances.**

21     **Q. All of the relevant parts of it, why don't they**  
 22 **discuss the laughter and the phone call and you then**  
 23 **determining that it wasn't considered a violation.**

24     **A. I didn't consider it a violation, will not**  
 25 **consider it a violation.**

230     **Q. Why didn't you say that in your adjudication**  
 then?

3     **A. I didn't think I addressed it. It's unfounded.**  
 4 **It's not rudeness, not misconduct.**

5     **Q. Why didn't you say that?**

6     **A. I think I did say that.**

7     **Q. Well, let's get to it. Tripp 3, Tripp 3 is an**  
 8 **August 1, 2007 adjudication by you, memo from you to the**  
 9 **Director of Internal Affairs, no name indicated, through**  
 10 **channels, having the following enclosures, SP3201, dated**  
 11 **7/26/07. That's the memo we just got done talking**  
 12 **about, right?**

13     **A. Yes.**

14     **Q. The correspondence dated 7/31/07, to complainant.**  
 15 **That is the letter that you wrote to Christopher Bush**  
 16 **that we looked at earlier that was called Christopher**  
 17 **Bush C-4, correct?**

18     **A. Yes.**

19     **Q. Correspondence dated 7/31/07 to Newtown Township**  
 20 **Supervisors who we referred to as Christopher Bush 5,**  
 21 **correct, earlier?**

22     **A. I don't know what number you referred to earlier.**  
 23 **That would be a letter that I wrote to the supervisors.**

24     **Q. Well, let me help you so you're not confused.**  
 25 **Right here?**

1     **A. Yeah. I recognize the letter. Is that**

2 **attachment, Exhibit 5? That is what I was asking.**  
 3     **Q. When we were looking about the reference to**  
 4 **fraud, if you remember, 4, correspondence dated 8/1/07**  
 5 **to Sergeant Tripp, that is one you provided me this**  
 6 **morning that Randy said was in the packet. Do you**  
 7 **recall that? All the documents indicated on this,**  
 8 **correct?**

9     **A. That is what it indicates here, correct.**

10     **Q. What you sent to the Director with the closure,**  
 11 **with you adjudication, correct?**

12     **A. Correct.**

13     **Q. Now, correct me if I'm wrong, when you referred**  
 14 **to SP3201, a letter, do you also mean to say all the**  
 15 **attachments that Hile indicated in his --**

16     **A. Yeah.**

17     **Q. So, we can add all of those to your adjudication?**

18     **A. Right.**

19     **Q. It says after the thorough review of enclosure 1,**  
 20 **I have determined that the allegations of**  
 21 **dissatisfaction with the performance of duty against**  
 22 **Sergeant, Trooper to be unfounded. Commander Area 2,**  
 23 **Major John G. Rice concurred on 7/21, enclosure 2**  
 24 **through 4 are forwarded to the designated recipients,**  
 25 **meaning you sent the letter to Bush, the Township and**

230

232

1     **Tripp?**

2     **A. Yes.**

3     **Q. Now, no mention in there at all about the**  
 4 **laughing part, right?**

5     **A. No.**

6     **Q. And the performance of duties meant not entering**  
 7 **the children into NCIC, correct?**

8     **A. I don't know that to mean, maybe including the**  
 9 **entire package. He was dissatisfied that he got laughed**  
 10 **at. He was dissatisfied with the performance of duty.**

11     **Categorize it all.**

12     **Q. That is the purpose of going through all those C,**  
 13 **E, F and G classifications we talked about?**

14     **A. Yeah. I'm sorry. I don't get the connection**  
 15 **but...**

16     **Q. I know you don't. Could you describe to me the**  
 17 **channels you sent the documentation through that is**  
 18 **indicated on the document?**

19     **A. Through the Area 2 commander.**

20     **Q. But you sent it through Rice to who?**

21     **A. To the Director of IAD.**

22     **Q. Will it go directly to him?**

23     **A. I don't remember if it goes through Rice or the**  
 24 **Director of the IAD. I don't recall. It was one of**  
 25 **those two.**

1 Q. You cannot tell me here today if you sent it  
2 directly to the Director of Internal Affairs or if it  
3 went through?

4 A. **Major Rice.**

5 Q. Major Rice?

6 A. **Right.**

7 Q. What documentation do you have, if any, of the  
8 meeting with Major Rice on 7/21/07?

9 A. **I don't know that I have any documentation other**  
10 **than what is written right there.**

11 Q. What recollection do you have of what occurred  
12 when you met or talked?

13 A. **Independent of what is written there?**

14 Q. Yeah.

15 A. **I have none.**

16 Q. You cannot tell me if you called him on the  
17 telephone or met him in person or mailed him a copy?

18 A. **I probably talked to him on the phone.**

19 Q. But you cannot say you didn't?

20 A. **I probably -- that's what I remember.**

21 Q. Let's assume you called him on the phone. Would  
22 you have sent him a complete copy of the report?

23 A. **Yes. Would have a copy of the reports.**

24 Q. Okay. So, if you did not receive Hile's report,  
25 the 7/21/07 and you conferred on the same day, are you

55-9 Filed 10/01/10 Page 4 of 6

1 like this?

2 A. **I'm not getting a difference, Counselor.**

3 Q. You're telling me you can e-mail everything. For  
4 me to create a document, word processor and print it  
5 out, looks like this, put it so I send it to somebody, I  
6 scan it to a PDF file?

7 A. **You can't just save it electronically to the**  
8 **e-mail?**

9 Q. I can but I don't get a logo on it.

10 A. **Yes. We can. It doesn't have to be a PDF file.**

11 Q. If I look on a screen, I'll see a logo?

12 A. **Yes. I think so.**

13 Q. We don't have that. That's why I'm asking  
14 questions.

15 A. **Okay.**

16 Q. Nobody else knows unless I ask the question. So,  
17 when that report, 201 is being created by Hile, he just  
18 does it on the computer?

19 A. **Right.**

20 Q. He didn't print it out?

21 A. **He may have printed it out and attached it to**  
22 **that.**

23 Q. How do you deal with the court files? They're  
24 not documents you -- how do you get them electronically  
25 into the system?

234

1 saying the entire document was copied and sent over to  
2 him?

3 A. **What entire document?**

4 Q. Your package. When he does the review with you  
5 to get the concurrence, he reviewed everything. He  
6 doesn't just rely on your say so?

7 A. **I don't know what he reviewed, certainly**  
8 **e-mailed. It is consistent with our operations that we**  
9 **e-mailed the documents to be reviewed and engage in**  
10 **discussion.**

11 Q. All right. Let's go through that then. You use  
12 an e-mail system to tell him you need his concurrence?  
13 How do you get --

14 A. **Generally, these reports are forward through**  
15 **e-mail. I get them from IAD, generally speaking.**  
16 **They're completed in an electronic format and they're**  
17 **reviewed in the same fashion.**

18 Q. So, you scan the hard copy in?

19 A. **I don't think you can scan. You save it, forward**  
20 **it.**

21 Q. Maybe it's my misunderstanding. When you have  
22 this 201 here, it comes out of the printer like that  
23 but --

24 A. **You can save it electronically.**

25 Q. Fills in blanks but it prints, comes out looking

236

1 A. **I don't think they're in the system. They're**  
2 **copies.**

3 Q. So, you have to copy something?

4 A. **If he looks at them at all.**

5 Q. If you send it to him, you would have to copy or  
6 scan them and then attach them in, scanned to a PDF file  
7 and somehow get him physical control of a piece of paper  
8 or accessed on an electronic file of that copy?

9 A. **Correct.**

10 Q. I'm just trying to find out how. What did he  
11 get? What did he look at?

12 A. **I don't remember what I looked at and what I**  
13 **didn't look at.**

14 Q. You don't remember what you sent to somebody on  
15 concurrence?

16 A. **Correct. How long ago was it? Three years ago.**  
17 I don't remember, Counsel. I apologize.

18 Q. Did you do something different in that  
19 investigation than what you have done before?

20 A. **No.**

21 Q. How do you usually do it then?

22 A. **It goes through e-mail and a major or the officer**  
23 **looks at the report. I look at the report. We get on**  
24 **the phone and talk. We reach a conclusion.**

25 Q. Got that.



1 MR. HENZES: This is your guy's entry, you  
 2 knucklehead.

3 MR. PURICELLI: No, it isn't. If you read  
 4 it, it's an entry.

5 MR. HENZES: At Newtown Township, not Tripp.

6 Oh my God.

7 BY MR. PURICELLI:

8 Q. Did Sergeant Tripp ever refer to Bush's report as  
 9 missing children?

10 A. I don't know. He may have.

11 Q. All this lawyering going back and forth about the  
 12 missing and threatening sanctions?

13 A. It's a very, very important distinction, yes.

14 Q. I can tell. I know. It's been important for me.

15 Can we agree that concealment and missing are  
 16 kind of interchangeably used in law enforcement?

17 A. In general terms?

18 Q. Yeah.

19 A. I think I can agree to that in general terms.

20 Specific to this case, Counsel, it is not very  
 21 clear that it is not a missing person. It is not a  
 22 concealment of the whereabouts of a child. It's a woman  
 23 exercising her right to go move with her children.

24 Q. When you said right, that is what is most  
 25 troubling. Do you know that a woman doesn't have the

55-9 Filed 10/01/10 Page 6 of 6

1 A. I think at some point I learned that, yes.

2 Q. Do you know how he she did that?

3 A. I don't recall. I think I recall reading  
 4 somewhere she went to court in Virginia.

5 Q. Aside from what you read, you have no personal  
 6 knowledge, true?

7 A. True.

8 Q. Aside from what you read, you didn't talk to  
 9 anybody other than your attorney?

10 A. I don't know if I did or not.

11 Q. Did you mean you don't know or you don't recall?

12 A. I don't recall.

13 Q. Okay. Showing you what is marked C-4 Christopher  
 14 Bush.

15 MR. HENZES: C-4.

16 MR. PURICELLI: His July 31st, 2007 letter  
 17 to Christopher Bush.

18 MR. HENZES: No. July. His letter to Bush.

19 MR. PURICELLI: That is what I said. That  
 20 is okay.

21 BY MR. PURICELLI:

22 Q. Signature, just to cut to the chase, you wrote  
 23 the letter?

24 A. Yeah.

25 Q. And that's an accurate copy?

242

244

1 A. Appears, yes.

2 Q. Is there anything on there that I've shown you,  
 3 so I can be sure now that somebody added that you didn't  
 4 authority to be said or, like, you didn't type yourself  
 5 or --

6 A. Not that I'm aware of.

7 Q. Did you actually type this?

8 A. Yes.

9 Q. Nobody helped you with it?

10 A. Believe it or not, Counsel, I can type over forty  
 11 words a minute. I'm pretty good at it.

12 Q. You got my respect. I think people that type are  
 13 very, especially the court reporters.

14 Now, on the last sentence of the second page you  
 15 write, I am forwarding this letter along with your  
 16 original complaint, to the Newtown Township Police Chief  
 17 and Supervisors for whatever action they deem  
 18 appropriate. Then you show the copy to the Chief  
 19 Newtown PD, Supervisors of Newtown Township, correct?

20 A. Yes.

21 Q. Did you actually send that copy to Chief Duffy?

22 A. I believe I did, yes.

23 Q. Any reason you know that he didn't get a copy?

24 A. No.

25 Q. Now, when you say I'm forwarding the letter along